



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,400	12/17/1999	MICHAEL FRIEDOW	10191/1172	1125

26646 7590 06/06/2003

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

[REDACTED]
EXAMINER

LEON, EDWIN A

ART UNIT	PAPER NUMBER
2833	

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/466,400	FRIEDOW ET AL.
Examiner	Art Unit	
Edwin A. León	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 21 April 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 and 3-39 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 4,8,17,18 and 20-39 is/are allowed.

6) Claim(s) 1,3,5,7,9-16 and 19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed April 21, 2003 in which Claims 4, 8 and 17-18 have been amended and new Claims 20-39 have been added, has been place of record in the file as Paper No. 20.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 5, 7, 9-16 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitatani et al. (U.S. Patent No. 5,759,069). With regard to Claim 1, Kitatani et al. discloses a device for contacting an electrically operated apparatus (J), comprising: at least one terminal contact (6, 8) on a side of the apparatus (J), the at least one terminal contact (6, 8) being oriented parallel to an installation direction of the apparatus (J); and a plug (P) including at least one sleeve contact (2,3), the at least one

sleeve contact (2,3) and the at least one terminal contact (6, 8) being adapted to be assembled together parallel to the installation direction and the at least one terminal contact (6, 8) includes two concentric terminal contacts (6,8), at least one sleeve contact (2,3) including two concentric sleeve contacts (2,3). See Figs. 3 and 6.

With regard to Claim 3, Kitatani et al. discloses the sleeve contacts (2,3) are each in contact with the terminal contact (6, 8) on an outside circumference when joined together. See Figs. 3 and 6.

With regard to Claim 5, Kitatani et al. discloses insulation (9) situated between the terminal contact (6, 8). See Figs. 3 and 6.

With regard to Claim 7, Kitatani et al. discloses a back wall (between 2 and 3) of the plug (P) acts as a further insulation which, together with the insulation (9) between the terminal contact (6, 8), form two contact chambers insulated from one another. See Figs. 3 and 6.

With regard to Claim 9, Kitatani et al. discloses the at least one sleeve contact (2,3) includes a cylindrical segment. See Figs. 3 and 6.

With regard to Claim 10, Kitatani et al. discloses the at least one sleeve contact (2,3) having polygonal cross section. See Figs. 3 and 6.

With regard to Claim 11, Kitatani et al. discloses the at least one sleeve contact (2,3) has a diameter so as to overcome a predetermined contacting force when connected. See Figs. 3 and 6.

With regard to Claim 12, Kitatani et al. discloses the sleeve contacts (2,3) have inclined insertion guides. See Figs. 3 and 6.

With regard to Claim 13, Kitatani et al. discloses a plurality of punched grid conductors (1) connected to the plug (P). See Figs. 3 and 6.

With regard to Claim 14, Kitatani et al. discloses a first of the sleeve contacts (2,3) and a first of the punched grid conductors (1) are a one-piece unit, and a second of the sleeve contacts (2,3) and a second of the punched grid conductors (1) are a one-piece unit. See Figs. 3 and 6.

With regard to Claim 15, Kitatani et al. discloses the sleeve contacts (2,3) are formed by one of bending and folding the punched grid conductors (1). See Figs. 3 and 6.

With regard to Claim 16, Kitatani et al. discloses the sleeve contact (2,3) being configured to substantially surround a respective one of the terminal contacts (6,8) when the at least one sleeve contact (2,3) and the at least one terminal contact (6,8) are assembled. See Figs. 3 and 6.

With regard to Claim 19, Kitatani et al. discloses the two sleeve contacts (2,3) connecting the two terminal contacts (6,8) and the sleeve contacts (2,3) having only one circumferentially contiguous contact area. See Figs. 3 and 6.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2833

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitatani et al. (U.S. Patent No. 5,759,069) in view of Taylor (U.S. Patent No. 5,971,810). With regard to Claim 6, Kitatani et al. discloses the claimed invention except for the insulation including an insulating sleeve composed of a plastic.

Taylor et al. discloses the use of plastic as insulation. See Column 6, Lines 16-19 and Lines 55-57, and Column 7, Lines 19-25.

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the device of Kitatani et al. by using plastic as insulation as taught in Taylor et al. in order to improve the insulating capabilities of the device without increasing the manufacturing costs.

Allowable Subject Matter

6. Claims 4, 8, 17-18 and 20-39 are allowed for the reasons given in the Office Action of December 23, 2002.

Response to Arguments

7. Applicant's arguments filed April 21, 2003 have been fully considered but they are not persuasive. In response to Applicant's arguments regarding Claim 1 that the Kitatani et al. reference doesn't show the at least one terminal contact including two

concentric terminal contacts, at least one sleeve contact including two concentric sleeve contacts, Applicant's attention is directed to Figs. 1 and 6 in which Kitatani et al. clearly discloses the at least one terminal contact (6, 8) including two concentric terminal contacts (6,8), at least one sleeve contact (2,3) including two concentric sleeve contacts (2,3). Applicant is reminded that the claims call for the terminal and sleeve contact being concentric which would broadly read on the Kitatani et al. reference since both the sleeve and the terminal contacts have the same center.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (703) 308-6253. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

EAL
Edwin A. Leon
AU 2833

P. Bradley
P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

EAL
June 3, 2003